## PATENT COOPERATION TREATY

See form PCT//SA/220  WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHO (PCT Rule 43bis.1)  Date of mailing (day/month/year) see form PCT//SA/210 (second sheet)  Applicants or agend's file reference see form PCT//SA/220  International application No. International filing data (day/month/year)   Priority data (day/month/year)    14.01.2005  International Patent Classification (IPC) or both netional dessification and IPC    11. This opinion contains indications relating to the following items:    Box No. II   Priority	NTERNATIONAL SEAL To:	RCHING AUTHO	DRITY		REC'D 19 APR 2005
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INTERNATIONAL SEARCHING AUTHO (PCT Rule 43bis.1)  Date of mailling (day/manth/year) see form PCT/SA210 (second sheet)  Applicant's or agent's file reference See form PCT/SA220  International application No. PCT/B2005/050165  International application No. PCT/B2005/050165  International Patent Classificedon (IPC) or both national classification and IPC G11B33/14  Applicant KONINKLIJKE PHILIPS ELECTRONICS, N.V.  1. This opinion contains indications relating to the following items:  Box No. I Basis of the opinion Box No. IV Lock of unity of invention Box No. IV Lock of unity of invention Box No. IV Certain defects in the international application Box No. VI Certain defects in the international application Box No. VI Certain defects in the international application FURTHER ACTION  If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant boxes at Authority of the first final fine one to be the IPEA and the chosen IPEA has notified the international Bureau under Rule 68.16/s(t) this one to be the IPEA and the chosen IPEA has notified the undernational to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/SAZ20 or before the expiration of 22 months from the date or mailing of Form PCT/SAZ20.		•		•	
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Applicant's or agent's file reference see form PCT/ISA/220    FOR FURTHER ACTION   See paragraph 2 below	•		٠	Date of mailing	<del></del>
International application No. PCT/ISA/220  International application No. International filing date (day/month/year) 16.01.2004  International Patent Classification (IPC) or both national classification and IPC G1183/14  Applicant  KONINKLIJKE PHILIPS ELECTRONICS, N.V.  1. This opinion contains indications relating to the following items:  Box No. I Basis of the opinion  Box No. II Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention  Box No. IV Reasoned statement under Rule 43/bis.1(a)(i) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement  Box No. VI Certain defects in the international application  Box No. VIII Certain observations on the international application  FURTHER ACTION  If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Breliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the international Bureau under Rule 66.1/bis(b) that written opinion of this International Searching Authority will not be so considered.  If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220.				(day/month/year) se	ee form PCT/ISA/210 (second sheet)
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Telephone No. +49 89 2399-2590



International application No. PCT/IB2005/050165

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-	BOX N	o. I Basis of the opinion				
<ol> <li>With regard to the language, this opinion has been established on the basis of the international application the language in which it was filed, unless otherwise indicated under this item.</li> </ol>						
	lar	nis opinion has been established on the basis of a translation from the original language into the following inguage—, which is the language of a translation furnished for the purposes of international search and response to the purpose of international search and response t				
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application at necessary to the claimed invention, this opinion has been established on the basis of:						
	a. type	of material:				
		a sequence listing				
		table(s) related to the sequence listing				
	b. form	nat of material:				
		in written format				
		in computer readable form				
	c. time	of filing/furnishing:				
		contained in the international application as filed.				
•		filed together with the international application in computer readable form.				
		furnished subsequently to this Authority for the purposes of search.				
3.	ha co	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto as been filed or furnished, the required statements that the information in the subsequent or additional opies is identical to that in the application as filed or does not go beyond the application as filed, as opropriate, were furnished.				
4.	Additio	onal comments:				

International application No. PCT/IB2005/050165

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, Inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

6-11,21

No: Claims

1-5,12-20,22-26

Inventive step (IS)

Yes: Claims

6-11,21

No: Claims

1-5,12-20,22-26

Industrial applicability (IA)

Yes: Claims

1-26

No: Claims

2. Citations and explanations

see separate sheet

## Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

## Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

## Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1). Reference is made to the following documents:

D1: US-A-5 335 217 (KANEDA ET AL) 2 August 1994 (1994-08-02)

D2: EP-A-0 465 153 (CANON KABUSHIKI KAISHA) 8 January 1992 (1992-01-08)

D3: US-A-5 532 996 (OKABE ET AL) 2 July 1996 (1996-07-02)

D4: US-A-5 255 256 (ENGLER ET AL) 19 October 1993 (1993-10-19)

2). As the word "joined" is rather vague and can be interpreted very broadly so that the optical pickup unit and the disc cartridge are assembled in some manner, the comparison of the subject matter of present claims 1 to 5, 12 to 20, and 22 to 26 with the disclosure of D1, D2, D3 or D4 (see relevant passages in the search report) reveals that a disc drive apparatus, a method for cooling, and a method for operating comprising all the features and steps defined in said claims are already known, so that present claims 1 to 5, 12 to 20, and 22 to 26 do not meet the novelty requirements of Article 33(2) PCT.

Even if the mentioned documents do not refer explicitly to DVDs, they are concerned with optical discs in general; therefore their teaching also applies to DVDs.

3). The subject matter of dependent claims 6 to 11 and 21 (especially the dust seal joining the OPU to the DVD cartridge) is not disclosed nor suggested by the available prior art, so that these claims satisfy the novelty and inventive step requirements of Articles 33(2)(3) PCT.

## Re Item VII

Certain defects in the international application

- 1). New independent claims (one per category) should have been drafted in the two-part form, and clearly delimited in view of the nearest prior art (one of documents D1 to D4).
- 2). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D4 is not mentioned in the description, nor are these documents identified therein.

The description should have been adapted to the new claims to be filed.

### Re Item VIII

## Certain observations on the international application

1). Although claims 1 and 16 directed to a disc drive apparatus, and claims 20 and 23 directed to a method have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought ..and/or.. in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

In fact, even if the two independent claims 20 and 23 directed to methods are directed to a method for cooling and to a method for operating respectively, it is not really clear what the difference of their subject matter should be, because they define the same or similar steps.

2). In dependent claim 19, "said dust seal" is not defined before, so that it is not clear what is really meant thereby; in claim 16 on which it depends, it is referred to "a dist shield"; if the same feature is meant, the same terminology should have been used.

## PATENT COOPERATION TREATY

From INTE To:	RNATIONAL SEAF	RCHING AUTHO	ORITY .		REC'D 19 APR 2005	
10.					WIPO PO	
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see form PCT/ISA/220			·	WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		
					(PCT Rule 43bis.1)	
				Date of mailing		
		·		(day/month/year) s	ee form PCT/ISA/210 (second sheet)	
App	licant's or agent's file	reference		FOR FURTHER	ACTION	
see	form PCT/ISA/22	20	·	See paragraph 2 be		
	mational application N T/IB2005/050165	No.	International filing date (14.01.2005	day/month/year)	Priority date (day/month/year) 16.01.2004	
Inter	mational Patent Class	ification (IPC) or	Lboth national classification	and IPC	<u> </u>	
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App	licant					
- •	NINKLIJKE PHIL	IPS ELECTRO	ONICS, N.V.	· ·	•	
ન	This emision on					
1.	this opinion co	ntains indicatio	ons relating to the foll	owing items:	·	
	☑ Box No. I	Basis of the op	inion		·	
	☐ Box No. II	Priority			•	
	☐ Box No. III	Non-establishn	nent of opinion with rega	ard to novelty, invent	ive step and industrial applicability	
	☐ Box No. IV	Lack of unity of	f Invention			
	⊠ Box No. V	Reasoned state applicability; cit	ement under Rule 43 <i>bis</i> tations and explanations	s.1(a)(i) with regard to s supporting such sta	novelty, inventive step or industrial atement	
	☐ Box No. VI	Certain docum	ents cited	•		
	Box No. VII	Certain defects	in the international app	olication		
	Box No. VIII	Certain observ	ations on the internation	nal application		
2.	FURTHER ACTIO	ON				
	written opinion of the applicant cho	the Internations oses an Authori au under Rule	at Preliminary Examining ty other than this one to	g Authority ("IPEA"). be the IPEA and the	Il usually be considered to be a However, this does not apply where chosen IPEA has notifed the ational Searching Authority	
	submit to the IPE	A-a written reply date of mailing o	y together, where appro	priate, with amendm	IPEA, the applicant is invited to ents, before the expiration of three of 22 months from the priority date,	
	For further option	s, see Form PC	T/ISA/220.		-	
3.	For further details	s, see notes to F	Form PCT/ISA/220.			
					· ·	
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Nam	e and mailing address	s of the ISA:		Authorized Officer		

Lehnberg, C

Telephone No. +49 89 2399-2590

Form (PCT/ISA/237) (Cover Sheet) (January 2004)

European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465

International application No. PCT/IB2005/050165

	Box N	o.   Basis of the opinion
		egard to the language, this opinion has been established on the basis of the international application in aguage in which it was filed, unless otherwise indicated under this item.
	la	nis opinion has been established on the basis of a translation from the original language into the following nguage , which is the language of a translation furnished for the purposes of international search nder Rules 12.3 and 23.1(b)).
2.		egard to any nucleotide and/or amino acid sequence disclosed in the international application and sary to the claimed invention, this opinion has been established on the basis of:
	a. type	e of material:
		a sequence listing
		table(s) related to the sequence listing
	b. forn	nat of material:
		in written format
•		in computer readable form
	c. time	e of filing/furnishing:
		contained in the international application as filed.
		filed together with the international application in computer readable form.
		furnished subsequently to this Authority for the purposes of search.
3.	h: C	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto as been filed or furnished, the required statements that the information in the subsequent or additional opies is identical to that in the application as filed or does not go beyond the application as filed, as ppropriate, were furnished.
4.	Addition	onal comments:

International application No. PCT/IB2005/050165

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

6-11,21

No: Claims

1-5,12-20,22-26

Inventive step (IS)

Yes: Claims

6-11,21

No: Claims

1-5,12-20,22-26

Industrial applicability (IA)

Yes: Claims

1-26

No: Claims

2. Citations and explanations

see separate sheet

## Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

## Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

## Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1). Reference is made to the following documents:

D1: US-A-5 335 217 (KANEDA ET AL) 2 August 1994 (1994-08-02)

D2: EP-A-0 465 153 (CANON KABUSHIKI KAISHA) 8 January 1992 (1992-01-08)

D3: US-A-5 532 996 (OKABE ET AL) 2 July 1996 (1996-07-02)

D4: US-A-5 255 256 (ENGLER ET AL) 19 October 1993 (1993-10-19)

2). As the word "joined" is rather vague and can be interpreted very broadly so that the optical pickup unit and the disc cartridge are assembled in some manner, the comparison of the subject matter of present claims 1 to 5, 12 to 20, and 22 to 26 with the disclosure of D1, D2, D3 or D4 (see relevant passages in the search report) reveals that a disc drive apparatus, a method for cooling, and a method for operating comprising all the features and steps defined in said claims are already known, so that present claims 1 to 5, 12 to 20, and 22 to 26 do not meet the novelty requirements of Article 33(2) PCT.

Even if the mentioned documents do not refer explicitly to DVDs, they are concerned with optical discs in general; therefore their teaching also applies to DVDs.

3). The subject matter of dependent claims 6 to 11 and 21 (especially the dust seal joining the OPU to the DVD cartridge) is not disclosed nor suggested by the available prior art, so that these claims satisfy the novelty and inventive step requirements of Articles 33(2)(3) PCT.

### Re Item VII

Certain defects in the international application

- 1). New independent claims (one per category) should have been drafted in the two-part form, and clearly delimited in view of the nearest prior art (one of documents D1 to D4).
- 2). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D4 is not mentioned in the description, nor are these documents identified therein.

The description should have been adapted to the new claims to be filed.

### Re Item VIII

## Certain observations on the international application

1). Although claims 1 and 16 directed to a disc drive apparatus, and claims 20 and 23 directed to a method have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought ..and/or.. in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

In fact, even if the two independent claims 20 and 23 directed to methods are directed to a method for cooling and to a method for operating respectively, it is not really clear what the difference of their subject matter should be, because they define the same or similar steps.

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